

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shmulewitz, et al.)
)
 Application No.: 09/320,172)
)
 Filed: May 26, 1999)
)
 For: Apparatus for Providing Coronary)
 Retroperfusion and Methods of Use)

Art Unit: 3763

Examiner: Mendez, M.A.

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Commissioner for patents
 P.O.Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION DATED MARCH 20, 2003

Dear Sir:

In response to the Office Action of March 20, 2003, Applicant provisionally elects to prosecute Claims directed to Species 1 (Figures 1-2C). Applicant traverses this election requirement insofar as the Examiner has now changed his position and has indicated that Claim 1 is no longer generic. In fact, this patent application discloses an apparatus for providing retrograde transvenous myocardial perfusion. This apparatus is made up of a number of components, and more than single embodiments of certain components are disclosed. However Claim 1 recites the generic apparatus and is not specific as to any particular component embodiment. Claim 1 is clearly generic to all species. Accordingly, Applicant reserves the right to petition for supervisory review at such time as a generic claim is deemed allowable, in the event that the Examiner and Applicant's counsel disagree as to whether such allowed claim is generic.

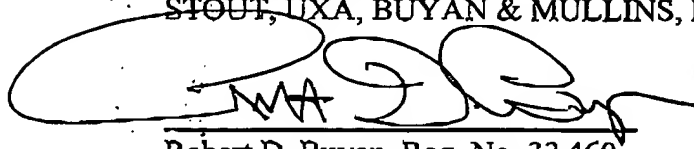
The Examiner indicates in the Office Action that, in his assessment, Claims 1-3, 16, 20-22, 24, 25, 27, 31, 32, 34 and 35 read on the elected species (Figures 1-2C). Applicant agrees to such claims listing in order to facilitate substantive examination of this application.

Applicant hereby petitions for a three (3) month extension of time pursuant to 37 C.F.R. 1.136(a). The Commissioner is hereby authorized to charge the fee for such extension of time and

07/24/2003 DBA: 25-00000005-500878 9320172
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any other fee properly deemed to be due in connection with this filing to Deposit Account No. 50-0878.

Respectfully submitted,
STOUT, LIXA, BUYAN & MULLINS, LLP



Robert D. Buyan, Reg. No. 32,460

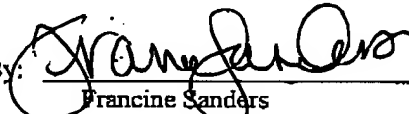
Date: July 20, 2003

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark office at (703) 305-3590 on July 20, 2003.

Dated: July 20, 2003

By: 
Francine Sanders